

THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 15574 OF 2002

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Dated 22nd August, 2007

Between:

Ramireddi Ramachandrudu

...Petitioner

And

Revenue Divisional Officer,
Kakinada, E.G. District and another.

...Respondents.

ORAL ORDER:

In this writ petition, the petitioner has questioned the notice dated 5.7.2002 issued by the Mandal Revenue Officer, Pithapuram, in which, the petitioner was directed to remit an amount of Rs.2,16,000/- towards the value of 270 quintals of rice, which was ordered to be confiscated to the Government.

The petitioner was the fair price shop dealer of Shop No.26 of Fhakruddinpalem village of Pithapuram Mandal in East Godavari District. The Civil Supplies Deputy Tahsildar, Pithapuram has booked a case against the petitioner pointing out certain irregularities in distribution of scheduled commodities and seized certain stocks of rice. It is alleged against the petitioner that he was unauthorisedly dealing with the rice meant for Food for Work Programme. Pursuant to seizure and report submitted to the competent authority under Section 6-A of the Essential Commodities Act, 1955, the Joint Collector and the Additional District Magistrate, East Godavari District, Kakinada has initiated proceedings for confiscation and ultimately by order dated 16.5.2002 passed in Ref.V10/CS/139/2002 ordered confiscation of the entire seized stock or its equivalent value to Government in exercise of the powers under Section 6-A of the Essential Commodities Act, 1955. As against the same, the petitioner preferred appeal to the learned Sessions Judge, East Godavari in Criminal Appeal No. 136 of 2002 and obtained interim orders on 17.6.2002. During the pendency of the appeal, the impugned notice is issued demanding payment of an amount of Rs.2,16,000/-, which is equivalent to the value of the confiscated stock.

It is the case of the petitioner that as much as the order of confiscation was stayed, the demand of amount equivalent to the confiscated stock at that stage is illegal. But, however, it is further submitted by the learned counsel for the petitioner that even the appellate authority dismissed the appeal on 31.12.2005, as against which, the petitioner has filed Criminal R.C.No.574 of 2006 and the order of confiscation as confirmed by the appellate authority is suspended in Crl. M.P.No.748 of 2006 and the Criminal Revision Case is pending.

Though the writ petition is of the year 2002, no counter affidavit is filed by the respondents.

As much as the order of confiscation is suspended in the Criminal Revision Case and the Criminal Revision Case is pending consideration, no amount can be recovered from the petitioner on account of the value of the confiscated stock.

In that view of the matter, I dispose of the writ petition directing the respondents not to enforce the notice dated 5.7.2002 till final orders are passed in Crl.R.C.No.574 of 2006. However, it is made clear that if the orders of

confiscation are confirmed or modified, it is open for the respondents to recover the amount from the petitioner to the extent of the value of the stocks ordered to be confiscated or subject to orders of this court in the Criminal Revision Case.

Subject to above direction, the writ petition is disposed of. No costs.

22-8-2007

J.

R.SUBHASH REDDY,

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